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16
UNITED STATES BANKRUPTCY COURT
 17
DISTRICT OF NEVADA

18 In Re:

19 SCOTT A. CORRIDAN,

20 Debtor.

21 EDWARD M. BURR, in his capacity as
 Chapter 7 Trustee for the bankruptcy estate of
 SCOTT CORRIDAN,

22 Plaintiff,

vs.

23 STEVEN BALDWIN; TERRE BALDWIN;
 BIG WATER INVESTMENTS, LLC, a
 Nevada limited liability company; ROCK &
 ROSE, INC.; WOODBURN & WEDGE;
 WYMAN DEVELOPMENT COMPANY,
 INC., a Nevada corporation, and KEVIN
 HOROWITZ, sole proprietor of ST. HELENA
 CONSTRUCTION COMPANY,

24
 25 Defendants.

26 Case No.: 22-50366-hlb
 Chapter 7

27 **Adv. No. 23-05013-hlb**

28
STATEMENT OF DISPUTED FACTS IN
SUPPORT OF DISPUTED LIEN
CLAIMANTS' OPPOSITION TO
PLAINTIFF'S MOTION FOR
JUDGMENT ON THE PLEADINGS OR,
IN THE ALTERNATIVE, MOTION FOR
SUMMARY JUDGMENT AGAINST ALL
DEFENDANTS ON CLAIMS 1-4 AND 6,
AND REQUEST FOR COURT TO
DIRECT ENTRY OF FINAL JUDGMENT

Hearing Date: March 29, 2024
 Hearing Time: 1:30 p.m.

1 Creditors and Defendants Steven and Terre Baldwin (collectively, “Baldwins”), Big
 2 Water Investments, LLC (“Big Water”), Kevin Horowitz, sole proprietor of St. Helena
 3 Construction Company (“Horowitz”), Rock & Rose, Inc. (“Rock”), and Woodburn and Wedge
 4 (“Woodburn” and together with Baldwin, Big Water, and Rock the “Disputed Lien Claimants”),
 5 through their undersigned counsel of record, file this Statement of Disputed Facts in support of
 6 their Joint Opposition to *Plaintiff's Motion for Judgement on the Pleadings or, in the*
 7 *Alternative, Motion for Summary Judgement Against all Defendants on Claims 1-4 and 6, and*
 8 *Request for Court to Direct Entry of Final Judgement*, initially filed on January 12, 2024, at
 9 Adv. ECF No. 20 (“MSJ”) and *Plaintiff's Statement Of Undisputed Facts In Support Of*
 10 *Trustee's Motion for Judgement On The Pleadings or, in The Alternative, Motion for Summary*
 11 *Judgement Against All Defendants on Claims 1-4 And 6, And Request For Court To Direct*
 12 *entry of final Judgement*, initially filed on January 15, 2024 at Adv. ECF No. 21 (“SUDF”).¹
 13 The disputed facts below correspond to the facts and supporting evidentiary citations presented
 14 in the MSJ.² Disputed Lien Claimants’ position on each of Plaintiff’s claimed facts is followed
 15 by additional material facts and supporting evidence showing a genuine issue of material fact in
 16 dispute.

17 1. The Debtor Scott A. Corridan (hereinafter “Debtor”) filed his voluntary petition
 18 under Chapter 11 of the United States Bankruptcy Code on July 12, 2022 [BK DE 1].

19 **Disputed Lien Claimants Response: Undisputed.**

20 2. On June 16, 2023, the Order Granting Motion to Convert Case to Chapter 7 [BK
 21 ECF No. 160] was entered converting the Chapter 11 case to a case under Chapter 7 of the
 22 Bankruptcy Code.

23
 24
 25 ¹ All References to “Bankruptcy Case” are to the underlying bankruptcy case of Scott A. Corridan, case
 26 no. 22-50366-HLB, all references to “BK ECF No.” and/or “BK DE” are to the docket entries in that
 27 Bankruptcy Case and all references to “Adv. ECF No.” and/or “Adv. DE” are to docket entries in this
 adversary proceeding. All future references to “Code,” “Section,” and “§” are to the Bankruptcy Code,
 Title 11 of the United States Code, unless otherwise indicated.

28 ² This version of the movants’ Joint Statement of Disputed Facts is being refiled to replace Adv. ECF
 No. 38, per the Notice of Docketing Error entered at Adv. ECF No. 42.

1 **Disputed Lien Claimants Response: Undisputed.**

2 3. On June 20, 2023, the United States Trustee appointed Edward M. Burr as
 3 interim Chapter 7 Trustee in the underlying bankruptcy case. See Appointment of Edward M.
 4 Burr as Trustee and Designation of Bond [BK ECF No. 166].

5 **Disputed Lien Claimants Response: Undisputed.**

6 4. On October 13, 2023, the Trustee filed his Amended Complaint: (1) to
 7 Determine the Validity of Liens; (2) Trustee's Priority and Avoidance of Unperfected and
 8 Invalid Liens [11 U.S.C. §544]; (3) Declaratory Relief; (4) Objection to Claims; and (6)
 9 Recovery of Property Transferred [11 U.S.C. §550] against all Defendants (the "Amended
 10 Complaint") [Adv. ECF No. 6].

11 **Disputed Lien Claimants Response: Undisputed.**

12 5. On November 30, 2023, Defendant Rock & Rose, Inc., filed its Answer to
 13 Amended Complaint [Adv. ECF No. 15] ("Rock & Rose's Answer"). In Rock & Rose's
 14 Answer to the Amended Complaint it admitted allegations 2-10, 14, 15, 17-26, 29-32, 35, 36,
 15 40, 43, 44, 48, and 62 with regard to itself.

16 **Disputed Lien Claimants Response:** Disputed Lien Claimants do not dispute that on
 17 November 30, 2023, Defendant Rock & Rose, Inc., filed its Answer to Amended Complaint
 18 [Adv. ECF No. 15] ("Rock & Rose's Answer"). In Rock & Rose's Answer to the Amended
 19 Complaint it admitted allegations 2-10, 14, 15, 17-26, 29-32, 35, 36, 40, 43, 44, 48, and 62,³ of
 20 the Complaint with regard to itself.

21 6. On November 30, 2023, Defendant Woodburn & Wedge filed its Answer to
 22 Amended Adversary Complaint [Adv. ECF No. 17] ("Woodburn's Answer"). In Woodburn's
 23 Answer to the Amended Complaint, it admitted allegations 2-10, 15, 17-26, 30, 31, 33, 43, and
 24 52 with regard to itself.

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 28³ In Rock & Rose's Answer to the Amended Complaint it admitted allegations contained in Paragraph 62
 only "to the extent that the language of 11 U.S.C. § 550 is properly duplicated and/or quoted therein."

1 **Disputed Lien Claimants Response:** Disputed Lien Claimants do not dispute that on
 2 November 30, 2023, Defendant Woodburn & Wedge filed its Answer to Amended Adversary
 3 Complaint [Adv. ECF No. 17] (“Woodburn’s Answer”). In Woodburn’s Answer to the
 4 Amended Complaint, it admitted allegations 2-10, 15, 17-26, 43, and 52 of the Complaint with
 5 regard to itself.

6 Disputed Lien Claimants dispute that Defendant Woodburn and Wedge admitted
 7 allegations 30, 31, and 33 as follows:

8 As to allegations 30 and 31 of the Complaint, Woodburn admitted these allegations
 9 subject to those limitations set forth in Woodburn’s Answer [Adv. ECF No. 17].

10 As to Allegation 33 of the Complaint, Woodburn denied the allegations contained
 11 therein.

12 7. On November 30, 2023, Defendants Steven Baldwin, Terre Baldwin, Big Water
 13 Investments, LLC and Kevin Horowitz, sole proprietor of St. Helena Construction Company
 14 filed their Answer [Adv. ECF No. 18] (“Baldwins’, Big Water’s, and Horowitz’s Answer”) to
 15 the Amended Complaint.

16 **Disputed Lien Claimants Response: Undisputed.**

17 8. In the Baldwins’, Big Water’s, and Horowitz’s Answer Defendants admit
 18 paragraphs 2-8, 10, 13, 16.

19 **Disputed Lien Claimants Response: Undisputed.**

20 9. Defendants Steven Baldwin and Terre Baldwin (the “Baldwins”) admitted
 21 paragraphs 17-19. *Id.*

22 **Disputed Lien Claimants Response:** The Baldwins dispute that they admitted
 23 paragraphs 17-19 of the Complaint without limitation.

24 As to Paragraph 17 of the Complaint, the Baldwins admitted they filed a Proof of Claim
 25 (“POC”) 10-1 in the Bankruptcy Case on September 19, 2022, asserting a claim of \$76,138.66,
 26 at 10% interest, secured by real estate and that the basis for perfection was a “[f]iled judgment
 27 lien against debtor’s real estate.” To the extent the allegations in Paragraph 17 of the Complaint
 28 differ from POC 10-1 they were denied.

1 As to Paragraph 18 of the Complaint, the Baldwins admitted they filed a Proof of Claim
 2 POC 10-2 in the Bankruptcy Case on October 18, 2022, asserting a claim of \$103,355.66, at
 3 10% interest, secured by real estate and that the basis for perfection was a “[f]iled judgment lien
 4 against debtor’s real estate.” To the extent the allegations in Paragraph 18 of the Complaint
 5 differ from POC 10-2 they were denied.

6 As to Paragraph 19 of the Complaint, the Baldwins admitted they filed POC 29-1 in the
 7 Bankruptcy Case on August 9, 2023, asserting a claim of \$103,355.66, at 10% interest, secured
 8 by real estate and that the basis for perfection was a “[f]iled judgment lien against debtor’s real
 9 estate.” To the extent the allegations in Paragraph 19 of the Complaint differ from POC 29-1
 10 they were denied.

11 10. Defendant Big Water Investments, LLC (“Big Water”) admitted paragraph 20.
 12 *Id.*

13 **Disputed Lien Claimants Response:** Big Water disputes that it admitted paragraph 20
 14 of the Complaint without limitation.

15 Big Water admitted that it filed POC 32 in the Bankruptcy Case on August 23, 2023,
 16 asserting a claim of \$20,908.02, at 6.75% interest, stating the basis of the claim as “12/5/19
 17 Judgment for Attorney’s Fees & Costs Per NRS 108.2275”, that the claim was secured by real
 18 estate and that the basis for perfection was a “Recorded Lien (Ex ‘2’).” To the extent the
 19 allegations in Paragraph 20 of the Complaint differ from POC 32-1 they were denied.

20 11. Defendant Kevin Horowitz, sole proprietor of St. Helena Construction Company
 21 (“Horowitz”) admitted paragraphs 25, 26. *Id.*

22 **Disputed Lien Claimants Response: Undisputed.**

23 12. In the Baldwins’, Big Water’s, and Horowitz’s Answer they each admitted
 24 paragraph 27, 29, 30, and 31 (each as to themselves). *Id.*

25 **Disputed Lien Claimants Response: Disputed.** Disputed Lien Claimants dispute that
 26 they each admitted paragraphs 27, 29, 30, and 31 of the Complaint, each as to themselves,
 27 without limitation. Disputed Lien Claimants affirmatively allege that they admitted these
 28

1 allegations subject to the limitations set forth in Baldwins', Big Water's, and Horowitz's
 2 Answer [Adv. ECF No. 18].

3 13. On September 19, 2022, Defendants Steven Baldwin and Terre Baldwin filed
 4 Proof of Claim No. 10 in the Bankruptcy Case alleging that they had a secured claim on account
 5 of a "filed judgement lien against debtor's real estate" in the amount of \$76,138.66.

6 **Disputed Lien Claimants Response: Disputed.** The Baldwins do not dispute that
 7 they filed a Proof of Claim ("POC") 10-1 in the Bankruptcy Case on September 19, 2022,
 8 asserting a claim of \$76,138.66, at 10% interest, secured by real estate and that the basis for
 9 perfection was a "[f]iled judgment lien against debtor's real estate." To the extent the
 10 allegations differ from proof of claim, they were denied.

11 14. On October 18, 2022, Defendants Steven Baldwin and Terre Baldwin filed an
 12 amended Proof of Claim No. 10 in the Bankruptcy Case alleging that they had a secured claim
 13 on account of a "filed judgement lien against debtor's real estate" in the amount of \$103,355.66.

14 **Disputed Lien Claimants Response: Disputed.** The Baldwins do not dispute that
 15 they filed POC 10-2 in the Bankruptcy Case on October 18, 2022, asserting a claim of
 16 \$103,355.66, at 10% interest, secured by real estate and that the basis for perfection was a
 17 "[f]iled judgment lien against debtor's real estate." To the extent the allegations differ from
 18 proof of claim, they were denied.

19 15. On August 9, 2023, Defendants Steven Baldwin and Terre Baldwin filed a Proof
 20 of Claim No. 29 in the Bankruptcy Case alleging that they had a secured claim on account of a
 21 "filed judgement lien against debtor's real estate" in the amount of \$103,355.66.

22 **Disputed Lien Claimants Response: Disputed.** The Baldwins do not dispute that
 23 they filed POC 29-1 in the Bankruptcy Case on August 9, 2023, asserting a claim of
 24 \$103,355.66, at 10% interest, secured by real estate and that the basis for perfection was a
 25 "[f]iled judgment lien against debtor's real estate." To the extent the allegations differ from
 26 proof of claim, they were denied.

1 16. Defendants Steven Baldwin and Terre Baldwin solely seek a single recovery, and
 2 recognize that amended Proof of Claim No. 10 and Proof of Claim No. 29 are duplicate of one
 3 asserted claim.

4 **Disputed Lien Claimants Response: Disputed.** The Baldwins do not dispute that
 5 they assert a single claim in the amount of \$103,355.66, at 10% interest, secured by real estate
 6 and that the basis for perfection was a “[f]iled judgment lien against debtor’s real estate.” Proof
 7 of Claim 29 was filed to correct deficiencies present in Proof of Claim No. 10 and not to seek a
 8 duplicative recovery. To the extent the allegations differ from proof of claim, they were denied.

9 17. On August 23, 2023, Defendant, Big Water Investments, LLC, filed Proof of
 10 Claim No. 32 in the Bankruptcy Case alleging that the basis of its claim was “12/5/19 Judgment
 11 for Attorney’s Fees & Costs Per NRS 108.2275” and that the basis for the perfection of their
 12 security interest was “recorded [judgement] lien”. Big Water Investments, LLC’s proof of claim
 13 alleged that it had a secured claim in the amount of \$20,908.02 against the Bankruptcy Case
 14 Estate.

15 **Disputed Lien Claimants Response: Disputed.** Big Water does not dispute that it
 16 filed POC 32 in the Bankruptcy Case on August 23, 2023, asserting a claim of \$20,908.02, at
 17 6.75% interest, stating the basis of the claim as “12/5/19 Judgment for Attorney’s Fees & Costs
 18 Per NRS 108.2275”, that the claim was secured by real estate and that the basis for perfection
 19 was a “Recorded Lien (Ex ‘2’).” To the extent the allegations differ from proof of claim, they
 20 were denied.

21 18. On September 20, 2022, Defendant, Rock & Rose, Inc., filed Proof of Claim No.
 22 15 in the Bankruptcy Case alleging that it had a secured claim on account of a “Recorded Order
 23 Granting Default Judgement” in the amount of \$58,678.54.

24 **Disputed Lien Claimants Response: Disputed.** Disputed Lien Claimants do not
 25 dispute that Defendant, Rock & Rose, Inc., filed Proof of Claim No. 15 in the Bankruptcy Case
 26 alleging that it had a secured claim on account of a “Recorded Order Granting Default
 27 Judgement” in the amount of \$58,678.54. To the extent the allegations differ from proof of
 28 claim, they were denied.

1 19. On September 20, 2022, Woodburn and Wedge filed Proof of Claim No. 13 in
 2 the Bankruptcy Case alleging that it had a secured claim in the amount of \$72,038.86 on
 3 account of a “Judgement for Attorney fees” and a “Recorded Judgement Lien”.

4 **Disputed Lien Claimants Response: Disputed.** Disputed Lien Claimants **do not**
 5 **dispute** that on September 20, 2022, Woodburn and Wedge filed Proof of Claim No. 13 in the
 6 Bankruptcy Case alleging that it had a secured claim in the amount of \$72,038.86 on account of
 7 a “Judgement for Attorney fees” and a “Recorded Judgement Lien”. To the extent the
 8 allegations differ from proof of claim, they were denied.

9 20. On August 22, 2023, Woodburn and Wedge filed Amended Proof of Claim No.
 10 13 in the Bankruptcy Case alleging that it had a secured claim in the amount of \$40,212.35 on
 11 account of a “Judgement for Attorney fees” and a “Recorded Judgement Lien”.

12 **Disputed Lien Claimants Response: Disputed.** Disputed Lien Claimants **do not**
 13 **dispute** that on August 22, 2023, Woodburn and Wedge filed Amended Proof of Claim No. 13
 14 in the Bankruptcy Case alleging that it had a secured claim in the amount of \$40,212.35 on
 15 account of a “Judgement for Attorney fees” and a “Recorded Judgement Lien”. To the extent
 16 the allegations differ from proof of claim, they were denied.

17 21. On August 23, 2023, Kevin Horowitz, sole proprietor of St. Helena Construction
 18 Company filed Proof of Claim 31 in the Bankruptcy Case alleging that he had a secured claim
 19 in the amount of \$387,813.49 on account of a foreign judgement recorded with the Washoe
 20 County Recorder on June 29, 2022.

21 **Disputed Lien Claimants Response: Disputed.** Horowitz affirmatively alleges he
 22 filed POC 31 in the Bankruptcy Case on August 23, 2023, asserting a claim of \$387,813.49,
 23 secured by real estate and that the basis for perfection was a “Recorded Judgment Lien (See
 24 attached Exhibit 1).” See POC 31. Horowitz further affirmatively alleges that he filed POC 31-
 25 2 in the Bankruptcy Case on August 23, 2023, asserting a claim of \$387,813.49, secured by real
 26 estate and that the basis for perfection was a “Recorded Judgment Lien (See attached Exhibit
 27 1).” See POC 31-2. To the extent the allegations differ from proof of claim, they were denied.

1 22. All Defendants allege a security interest in the Bankruptcy Case estate's real
 2 property located at 223 Pelton Lane, Incline Village, Nevada 89451 (the "Property") and/or the
 3 proceeds from the sale of the Property.

4 **Disputed Lien Claimants Response: Undisputed.**

5 23. On September 12, 2023, the Bankruptcy Court entered its Order Granting
 6 Amended Motion to Sell Property Free and Clear of Liens, Claims and Interests [223 Pelton
 7 Lane, Incline Village, Nevada] and Pay Real Estate Commission [BK ECF No. 264] (the "Sale
 8 Order").

9 **Disputed Lien Claimants Response: Undisputed.**

10 24. In the Sale Order, the Court approved the sale of the Property, and Ordered that
 11 to the extent any Defendant is found to have a valid lien after adjudication on the merits,
 12 Defendants' respective lien, if any, shall attach to the proceeds from the sale of the Property.
 13 See generally, *Id.*

14 **Disputed Lien Claimants Response: Disputed.** Disputed Lien Claimants do not
 15 dispute that the Sale Order approved the sale of the Property. To the extent the allegations in
 16 Paragraph 24 of the SUDF differ from the actual language of the Sale Order, they are disputed.
 17 See Answers filed by Disputed Lien Claimants.

18 25. Defendants, STEVEN BALDWIN, TERRE BALDWIN, BIG WATER
 19 INVESTMENTS, LLC, ROCK & ROSE, INC., KEVIN HOROWITZ, ST. HELENA
 20 CONSTRUCTION COMPANY and WOODBURN & WEDGE each obtained a judgement in
 21 their respective favor and against the Debtor prior to the Petition Date. See Defendant's
 22 admission to Paragraph 30 of Amended Complaint in their respective Answers. All Defendant's
 23 admit this factual allegation as to themselves.

24 **Disputed Lien Claimants Response: Undisputed.**

25 26. Defendants, STEVEN BALDWIN, TERRE BALDWIN, BIG WATER
 26 INVESTMENTS, LLC, ROCK & ROSE, INC., KEVIN HOROWITZ, ST. HELENA
 27 CONSTRUCTION COMPANY and WOODBURN & WEDGE recorded a transcript of the
 28 original docket or an abstract or copy of a judgment or decree of a district court of the State of

1 Nevada or the District Court or other court of the United States in and for the District of
 2 Nevada, the enforcement of which has not been stayed on appeal, certified by the clerk of the
 3 court where the judgment or decree was rendered, recorded in office of the county recorder for
 4 Washoe County consistent with NRS 17.150(2). *See* Defendant's admission to Paragraph 31 of
 5 Amended Complaint in their respective Answers. All Defendant's admit this factual allegation
 6 as to themselves. *See also* Exhibit "B".

7 **Disputed Lien Claimants Response: Undisputed.**

8 27. Defendants, BIG WATER INVESTMENTS, LLC, ROCK & ROSE, INC.,
 9 KEVIN HOROWITZ, ST. HELENA CONSTRUCTION COMPANY and WOODBURN &
 10 WEDGE each failed to record an affidavit along with their respective recorded judgements with
 11 the information required by NRS 17.150(4). See Rock & Rose's Answer, 32; See also,
 12 Declaration of Holly E. Estes, Esq., in support of Motion.

13 **Disputed Lien Claimants Response: Undisputed.** Disputed Lien Claimants
 14 affirmatively allege that each of their recorded judgments respectively contained the following
 15 information in substantial compliance with NRS 17.150(4):

16 **A. Baldwin – Judgment Lien and Affidavit Recorded August 1, 2019.**

17 On July 3, 2019, the Baldwins obtained a \$76,138.66 judgment against Scott Corridan
 18 and his company Scott Corridan Design in the Placer County, California Superior Court (the
 19 “Baldwin California Judgment”). On July 31, 2019, the Baldwins commenced Case No. CV19-
 20 01502 in the Second Judicial District Court to domesticate the Baldwin California Judgment in
 21 Nevada (“Baldwin Domestication Action”). In compliance with the Uniform Enforcement of
 22 Judgments Act (NRS 17.330 to 17.550), the Baldwins filed several documents in the Baldwin
 23 Domestication Action, including the following: (1) a *Foreign Judgment* [NRS 17.350] that
 24 attached an exemplified copy of the Baldwin California Judgment—which became a Nevada
 25 judgment upon its filing under NRS 17.350 (the “Baldwin Nevada Judgment”); and (2) an
 26 *Affidavit in Support of Filing Foreign Judgment* [NRS 17.360] (the “Baldwin Affidavit in of
 27 Judgment Creditor”). The next day, August 1, 2019, the Baldwins recorded both of these
 28 documents in the Washoe County Recorder’s Office, as follows: (1) an exemplified copy of the

1 Baldwin Nevada Judgment was recorded as Doc # 4936398; and (2) a copy of the Baldwin
 2 Affidavit in Support of Judgment, retitled on the cover page as an *Affidavit of Judgment*
 3 *Creditor [NRS 17.150]*, was recorded as Doc #4936399 (the “Baldwin Affidavit of Judgment
 4 Creditor”), a true and correct copy of which is attached hereto as Exhibit 1.

5 The recorded copy of the Baldwin Nevada Judgment reflects the following information:

- 6 • The name of the Judgment Creditors, Steven Baldwin and Terre Baldwin.
- 7 • The name of the Judgment Debtor, Scott Corridan.
- 8 • The address and phone number of the Judgment Debtor’s California and Nevada
 counsel.
- 9 • The APN # 130-163-23 of real property owned by the Judgment Debtor in Washoe
 County (i.e., and the Property at issue in this litigation).
- 10 • The Case Numbers in both relevant courts (Placer County, California and Washoe
 County, Nevada).

11 In addition to the above information, the face of the recorded Baldwin Affidavit of
 12 Judgment Creditor reflects the following information, made under sworn statement:

- 13 • The name and last known addresses of the Judgment Debtor. Included in these
 addresses is the Pelton Lane Property at issue in this litigation, reflected as follows:
 “(Residence Address: 223 Pelton Lane, Incline Village, NV 89451”.
- 14 • The APN of the Pelton Lane Property, reflected as follows: **“Washoe APN# 130-**
 163-23”.
- 15 • The name and address of the Judgment Creditors’ and Judgment Debtor’s attorneys.

16 Based on the above facts, the Baldwins filed a Proof of Claim in the Debtor’s
 17 bankruptcy case asserting a secured claim against the Pelton Lane Property in the amount of
 18 \$103,355.66 as of the Petition Date. *See* POC 10-2 (filed 10/18/2022); and POC 29-1 (filed
 19 8/9/2023).⁴

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1 **B. Big Water – Judgment Lien Recorded December 16, 2019.**

2 The dispute between Big Water and Corridan involves Corridan’s August 20, 2019,
 3 improper recording of 18 mechanic’s liens against a condominium project owned by Big Water
 4 (allegedly related to design services provided by Corridan). After Corridan recorded the
 5 mechanic’s liens, Big Water moved for an Order to Show Cause why they shouldn’t be
 6 released. The Court held a hearing and ultimately found Corridan did not have mechanic’s lien
 7 rights under the relevant statute and ordered the liens expunged. The court also found the liens
 8 were frivolously filed and ultimately awarded Big Water its attorney’s fees and costs under
 9 NRS 108.2275 and NRS 18.010(2)(b). The court entered its *Order Granting Motion for*
 10 *Attorney’s Fees under NRS 108.2275* on December 12, 2019, awarding Big Water \$16,858.23
 11 in attorney’s fees and costs, plus post-judgment interest at the legal rate (the “Big Water
 12 Judgment”). The Big Water Judgment was recorded in the Washoe County Recorder’s Office
 13 on December 16, 2019, as Doc # 4982828.

14 The recorded copy of the Big Water Judgment reflects the following information:

- 15 • The name of the Judgment Creditor, Big Water Investments, LLC
- 16 • The name of the Judgment Debtor, Scott Corridan, individually and dba Scott
 Corridan Design.
- 17 • The APN of the Pelton Lane Property, reflected as follows: “**APNS: 130-163-23**”.
- 18 • The address and phone number of the Judgment Creditor’s counsel.

19 Based on the above facts, Big Water filed a Proof of Claim in the Debtor’s bankruptcy
 20 case asserting a secured claim against the Pelton Lane Property in the amount of \$20,908.02 as
 21 of the Petition Date. *See* POC 32-1.

22 **C. Rock & Rose, Inc. – Judgment Lien recorded February 11, 2020.**

23 On October 3, 2019, 2022, Rock commenced Case No. CV19-01920 in the Second
 24 Judicial District Court against Corridan for unpaid landscaping work done on Corridan’s
 25 house—the very property at dispute in this litigation. On December 19, 2019, the state court
 26 entered a default judgment against Corridan. The Rock Judgment recorded in the Washoe
 27 County Recorder’s Office on February 11, 2020, as Doc # 4999922.

1 The recorded copy of the Horowitz Nevada Judgment reflects the following:

- 2 • The name of the Judgment Creditor, Rock.
- 3 • The name and address of the counsel and firm representing Rock.
- 4 • The name of the Judgment Debtor, both as Scott Corridan and dba Scott Corridan
- 5 Design. Additionally, as Mr. Corridan was not represented by counsel, he serves as
- 6 his own counsel.
- 7 • The APN # 130-163-23 of real property owned by the Judgment Debtor in Washoe
- 8 County (the Property at issue in this litigation).
- 9 • The Case Number for the court in Washoe County, Nevada.

10 Based on the above facts, Rock filed a Proof of Claim in the Debtor's bankruptcy case
 11 asserting a secured claim against the Pelton Lane Property in the amount of \$56,678.54 as of the
 12 Petition Date. *See* POC 15.

13 **D. Woodburn and Wedge – Judgment Lien recorded March 31, 2020.**

14 Woodburn is an acknowledged creditor in this bankruptcy case. Debtor's Sch. D, ECF
 15 27, Section 2.12. The Debtor incurred pre-petition legal fees to Woodburn unrelated to this
 16 bankruptcy case. Due to non-payment, Woodburn obtained an "Order Establishing Attorney's
 17 Lien; Judgment" from the Second Judicial District Court. See Exhibit 2 to Woodburn's
 18 Amended Proof of Claim, No. 13-2, which was issued by the District Court on March 22, 2020.

19 Woodburn caused the judgment to be recorded against the Debtor's real property in the
 20 official records of Washoe County on March 31, 2020. The recorded version of Woodburn's
 21 judgment contains the entire Order issued by the District Court, along with the required
 22 affirmation statement. The recorded copy of the Woodburn Judgment reflects the following:

- 23 • The name of the Judgment Creditor Shawn B. Meador of Woodburn and Wedge.
- 24 • The address of the Judgment Creditor (which undoubtedly was unnecessary given
- 25 his former representation of the Judgment Debtor immediately prior to obtaining the
- 26 judgment).

- 1 • Multiple, clear and obvious references to the judgement debtor, Scott Alan Corridan,
- 2 the relevant case number and Court from which the judgment was issued, and the
- 3 amount of the judgment.

4 Based on the above facts, Woodburn filed a Proof of claim in the Debtor's bankruptcy
 5 case asserting a secured claim in the amount of \$40,212.35, \$36,712.65 of which is secured
 6 against the Debtor's real property. *See POC 13-2.*

7 **E. Horowitz – Judgment Lien recorded June 22, 2022.**

8 On September 28, 2021, Horowitz obtained a *Default Judgment Against Defendant Scott*
 9 *A. Corridan*, in the Napa County, California Superior Court (the “Horowitz California
 10 Judgment”).

11 On June 8, 2022, Horowitz commenced Case No. CV22-00906 in the Second Judicial
 12 District Court to domesticate the Horowitz California Judgment in Nevada (“Horowitz
 13 Domestication Action”). In complying with Uniform Enforcement of Judgments Act (NRS
 14 17.330 to 17.500), Horowitz filed several documents in the Horowitz Domestication Action,
 15 including the following: (1) a *Foreign Judgment [NRS 17.350]* attaching an exemplified copy
 16 of the Horowitz California Judgment—which became a Nevada judgment upon its filing under
 17 NRS 17.350 (the “Horowitz Nevada Judgment”); and (2) an *Affidavit in Support of Filing*
 18 *Foreign Judgment [NRS 17.360]* (the “Horowitz Affidavit in Support of Judgment”).
 19 The Horowitz Nevada Judgment was recorded in the Washoe County Recorder’s Office on
 20 June 29, 2022, as Doc # 5314943.

21 The recorded copy of the Horowitz Nevada Judgment reflects the following:

- 22 • The name of the Judgment Creditor, Kevin Horowitz, Sole Proprietor of St. Helena
 Construction Company.
- 23 • The addresses and phone numbers of the Judgment Debtor's California and Nevada
 counsel.
- 24 • The name of the Judgment Debtor, reflected as both Scott Corridan, an individual
 and Scott A. Corridan.

- 1 • The Case Numbers in both relevant courts (Napa County, California and Washoe
 2 County, Nevada).

3 Based on the above facts, Horowitz filed a Proof of Claim in the Debtor's
 4 bankruptcy case asserting a secured claim against the Pelton Lane Property in the amount of
 5 \$387,813.49 as of the Petition Date. *See POC 31-2.*

6 28. Defendants, STEVEN BALDWIN and TERRE BALDWIN filed their foreign
 7 judgment pursuant to NRS 17.350 and recorded this judgment, which contained the name of the
 8 Debtor and the assessor's parcel number of the Property, as required by NRS 17.150(4),
 9 pursuant to NRS 17.150(2) along with an affidavit pursuant to NRS 17.360 (affidavit in support
 10 of foreign judgement) but did not record an affidavit pursuant to NRS 17.150(4) along with
 11 their recorded judgement. *See Declaration of Holly E. Estes, Esq., in support of Motion.*

12 **Disputed Lien Claimants Response:** Disputed. The Baldwins do not dispute that they
 13 filed their foreign judgment pursuant to NRS 17.350 and recorded this judgment, which
 14 contained the name of the Debtor and the assessor's parcel number of the Property, as required
 15 by NRS 17.150(4), pursuant to NRS 17.150(2) along with an affidavit pursuant to NRS 17.360
 16 (affidavit in support of foreign judgement). The Baldwins dispute that they did not record an
 17 affidavit pursuant to NRS 17.150(4) along with their recorded judgement. The Baldwins
 18 affirmatively allege that they recorded the Baldwin Affidavit of Judgment Creditor, which, on
 19 its cover page, was entitled *Affidavit of Judgment Creditor [NRS 17.150]*, and which was
 20 recorded as Doc #4936399. *See attached Exhibit 1.* The face of the recorded Baldwin
 21 Affidavit of Judgment Creditor reflects the following information, made under sworn statement:

- 22 • The name and last known addresses of the Judgment Debtor. Included in these
 23 addresses is the Pelton Lane Property at issue in this litigation, reflected as follows:
 24 **"(Residence Address: 223 Pelton Lane, Incline Village, NV 89451".**

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- The APN of the Pelton Lane Property, reflected as follows: “**Washoe APN# 130-163-23**”.
 - The name and address of the Judgment Creditors’ and Judgment Debtor’s attorneys.

DATED: February 20, 2024.

HUMPHREY O'ROURKE PLLC

By: /s/ L. Edward Humphrey

L. Edward Humphrey, Esq.

Attorneys for Steven and Terre Baldwin, Big Water Investments, LLC, and Kevin Horowitz, sole proprietor of St. Helena Construction Company

KAEMPFER CROWELL

WOODBURN AND WEDGE

By: /s/ Louis M. Bubala III
- Louis M. Bubala III, Esq.
Attorneys for Rock & Rose, Inc.

By: /s/ Seth J. Adams
Seth J. Adams, Esq.
Attorneys for Woodburn and Wedge